

PALM BEACH GARDENS POLICE DEPARTMENT		
INTERNAL AFFAIRS FUNCTION		
POLICY AND PROCEDURE 4.3.2		
Effective Date: 09/25/2017	Accreditation Standards: CALEA 4.2.3, 11.3.3, 26.1.5, 26.1.8, 26.2.2, 26.2.3, 26.2.5, 26.3.1 – 3, 26.3.5 - 8 CFA 20.01M	

PURPOSE: To establish the Internal Affairs Function and procedures for investigating complaints and allegations of misconduct against the Department and its employees.

SCOPE: This policy and procedure applies to all employees.

POLICY: The Department, through delegated authority of the Chief of Police, and in accordance with its rules, regulations, policies and procedures, will investigate all complaints made against the Department or its employees. The Department hereby establishes an Internal Affairs Function as a specialized responsibility of the Administrative/Investigations Division. This function will provide for the investigation of complaints and misconduct allegations of a serious nature or complexity and maintain control and security of internal affairs files. The Investigations Bureau Major is designated as the Internal Affairs authority.

DEFINITIONS:

Disciplinary Action: Includes suspension with loss of pay, demotion, and termination. Corrective Actions are considered non-punitive and are not disciplinary action for the purposes of invoking the protections of F.S.S. 112.532.

Finding of Fact: A determination of whether a complaint or allegation is sustained, partially sustained, not sustained, unfounded, or the employee is exonerated, the incident was the result of a policy failure, or the employee was found to have committed other misconduct.

Sustained: The allegation was found to be true and the action of the employee was in violation of Department policy, procedure, rules, or regulations.

Partially Sustained: The incident had two or more allegations and at least one was sustained.

Not Sustained: There is insufficient proof or evidence to either confirm or refute the allegation.

Unfounded: The allegation is demonstrably false or there is no credible evidence to support it.

Exonerated: The employee did commit the alleged, act, but the action of the employee was proper and consistent with Department policy, procedure, rules, and regulations.

Policy Failure: The action of the employee was not covered by Department policy, procedure, rules, or regulations.

Misconduct Not Based on Original Complaint: As a result of the investigation, the employee was found to have engaged in substantiated misconduct not related to the original complaint.

PROCEDURES**1. FUNCTION AND ADMINISTRATION**

- a. The Professional Standards Authority will be responsible for:
 - 1) Establishing a system of receiving, recording, registering, controlling and filing all complaints whether investigated by Internal Affairs or by chain of command supervisors.
 - 2) Conducting, supervising and/or controlling the investigation of alleged or suspected misconduct within the Department.
 - 3) Maintaining the confidentiality and security of Internal Affairs investigations and records. Printed Internal Affairs and complaint records shall be maintained in a secure area in a locked file cabinet; electronic records shall be maintained in limited access files.
 - 4) Preparing an annual statistical summary of Internal Affairs Investigations. These summaries shall be available to the public and to agency employees.
 - 5) Ensuring information is made available to the public regarding procedures for making complaints against the agency or an employee.
- b. The Internal Affairs Authority shall report directly to the Chief of Police and shall investigate or cause to be investigated the following types of complaints (in some cases, a criminal or administrative investigation may be conducted by an outside agency and the Internal Affairs role will be to monitor the investigation):
 - 1) Excessive or unnecessary use of force.
 - 2) Corruption.
 - 3) Civil rights violations.
 - 4) Conduct involving moral turpitude or unethical conduct.
 - 5) Criminal misconduct.
 - 6) In-custody deaths or death or serious bodily injury resulting from the actions of an employee.
 - 7) Intentional discharge of a firearm at a person.
 - 8) Any complaint likely to have a serious impact on the Department or City.
 - 9) Any complaint assigned by the Chief of Police or City Manager.
- c. Supervisors shall be responsible for investigating minor complaints against their subordinates, including, but not limited to:
 - 1) Rudeness and discourtesy.
 - 2) Complaints of traffic violations committed by an employee.
 - 3) Minor violations of Department policy and procedure or rules and regulations.
- d. The Chief of Police shall have the authority to refer Internal Affairs investigations to outside agencies when warranted by the circumstances of the case, and shall have the final authority as to the assignment of an investigation, either to Internal Affairs or chain of command supervisors or to an outside agency.

2. RECEIPT OF COMPLAINTS

Complaints shall be handled in accordance with policy and procedure 4.3.2.1 - Complaint Process.

- a. Recipients of any complaint shall document receipt of the complaint with their initials, ID Number, date and time.
- b. All external complaints, regardless of how received, shall be documented on the Citizen Complaint and Inquiry Form. In addition, when the complainant wishes to make a formal written complaint, or in the case of serious allegations as defined in Section 1.b., the receiving supervisor should make every attempt to obtain a written statement from the complainant.
- c. If the supervisor can resolve the complaint with the complainant, that will be documented on the Citizen Complaint and Inquiry Form.
 - 1) The complainant will be provided with a supervisor signed copy of this form as a receipt.
 - 2) The remaining copies will be submitted to the Chief of Police via the chain of command.
- d. If an external complaint is not resolved with the complainant at the time it is made, the receiving supervisor shall provide the complainant with a supervisor signed copy of the Citizen Complaint and Inquiry Form as a receipt.
 - 1) The supervisor will forward the remaining copies of the complaint form and copies of any related documents to the accused employee's Bureau Major via the chain of command.
 - 2) The Bureau Major of the accused employee shall review the complaint and determine if it warrants referral to Internal Affairs or can be handled by a chain of command supervisor.
- e. Complaints generated within the Department shall be documented in memorandum form and provided to the accused employee's Bureau Major, via the chain of command. The Bureau Major of the accused employee shall review the complaint and determine if it warrants referral to Internal Affairs or can be handled by a chain of command supervisor.
- f. Complaints that can be handled by a chain of command supervisor will then be referred by the accused employee's Bureau Major to the appropriate supervisor for investigation or other action. It is the responsibility of the accused employee's Bureau Major to inform the appropriate Assistant Chief of any complaints handled in this manner.
- g. The accused employee's Bureau Major will forward to the appropriate Assistant Chief any complaints that the Major believes should be referred to Internal Affairs. The Assistant Chief will review those complaints with the Chief of Police and the Chief will make the final determination as to whether the complaint will be assigned to Internal Affairs or returned to the accused employee's Bureau Major to be handled by a supervisor.
- h. Emergency complaints such as an officer involved shooting or the arrest of an employee should be immediately relayed verbally through the chain of command to the Chief of Police for the assignment of an Internal Affairs Investigation.

- i. Any complaints against a Bureau Major shall be referred directly to the appropriate Assistant Chief of Police.
 - 1) Complaints against an Assistant Chief of Police shall be referred to the Chief of Police.
 - 2) Complaints against the Chief of Police shall be referred to the City Manager.
- j. Complaints and allegations of misconduct to be personally reported via the chain of command to the appropriate Assistant Chief and the Chief of Police; then immediately followed with the written complaint form or other written documentation are as follows:
 - 1) In-custody deaths.
 - 2) The discharge of a firearm at a person.
 - 3) Complaints involving death or serious injury to any person.
 - 4) The arrest of an employee.
 - 5) Any other complaint likely to have a serious impact on the Department or City.
 - 6) Minor complaints will be reported to the appropriate Assistant Chief and Chief of Police by the Bureau Major via the submission of the complaint form or other written documentation through the chain of command.
- k. After review of any complaint, a copy will be forwarded to Professional Standards for logging and filing.

3. INVESTIGATIVE PROCESS

Internal Affairs investigations are administrative investigations intended to determine if the subject employee has violated any Departmental policy, procedure, rule, or regulation. A parallel criminal investigation may be conducted, but care must be taken to ensure that any statement a subject employee is ordered to provide in an administrative investigation is not used in a criminal investigation in violation of the employee's Constitutional rights.

- a. All Internal Affairs investigations will be conducted in accordance with Department policy and procedure, applicable collective bargaining agreements, and any other applicable rules, regulations, and laws, including Florida State Statute chapter 112.
- b. Prior to being questioned, the subject employee will be provided with notice of the complaint or allegation.
 - 1) In the case of minor complaints being investigated by a supervisor, verbal notice shall be sufficient.
 - 2) If the investigation is being conducted by Internal Affairs or may involve disciplinary action as defined in this policy, the employee will receive written notice via memorandum, the Employee/Officer Notification Form and/or by being provided with a copy of the Citizen Complaint and Inquiry Form, and shall be informed of his/her rights and responsibilities relative to the investigation.
- c. No employee of the Department may in any way interfere with an Internal Affairs investigation.
- d. In all internal investigations, employees shall answer all questions truthfully and completely.
 - 1) Employees shall volunteer any pertinent information whether or not specifically asked by the investigator.

- 2) A refusal to answer questions specifically, directly and narrowly related to the employee's performance of his/her duties will result in additional charges of insubordination. Should such charges be substantiated, the employee will be subject to termination.
- 3) Untruthfulness by any employee to the investigator will result in charges of lying during an Internal Affairs investigation. Should such charges be substantiated, the employee will be subject to termination.
- e. All employees involved in an Internal Affairs investigation, whether as the subject employee, witness, or investigator, shall keep all information and documents regarding the investigation confidential.
- f. No employee will be ordered to submit to a truth verification test such as a polygraph or CVSA.
 - 1) The Department may offer such tests, however, refusal of the employee to submit to such a test will not form a basis for disciplinary action.
 - 2) Any use of such tests will be in compliance with state and federal law.
- g. An employee may be ordered to submit to a medical or laboratory examination, including drug testing, at the Department's expense when the examination is specifically directed and narrowly related to a particular investigation.
 - 1) Reasonable suspicion must exist to require such a test.
 - 2) No employee will be required to submit to testing for AIDS or HIV.
- h. An employee may be required to be photographed and/or participate in a line-up when there is reasonable cause to believe that a Department employee was involved in an incident and the complainant or a witness can identify the suspect employee.
- i. An employee may be required to submit a financial disclosure statement when such is material to an internal investigation.
- j. All internal affairs and supervisory investigations shall be completed within 180 days of the receipt of the complaint, absent extenuating circumstances.
 - 1) An investigation is considered complete when the subject employee has been notified that the Chief of Police has made a finding not to proceed to disciplinary action or to file charges, or has decided to proceed to disciplinary action or file charges.
 - 2) In the event there is a demonstrated need to extend the investigation beyond 180 days, the investigator or supervisor shall advise the Chief of Police in writing of the reasons an extension is needed and obtain approval from the Chief of Police. The investigator or supervisor shall also notify the complainant of the delay and the reason(s) for the delay, within the bounds of confidentiality.

4. REPORTING

- a. All internal investigations shall be documented in writing.
 - 1) For supervisory investigations of minor complaints and allegations, documentation on the Citizen Complaint and Inquiry Form of the findings and any relevant information will be sufficient.

- 2) The supervisor completing the investigation will make the finding of fact and document such on the Citizen Complaint and Inquiry Form. The supervisor will then route that form to the Chief of Police via the chain of command for review and approval.
 - 3) After reviewing the form, the Chief will forward it to Professional Standards for logging and filing.
 - 4) The supervisor shall be responsible for notifying the employee of the results and findings of the investigation.
- b. For investigations of formal complaints and serious allegations, an Internal Affairs Investigation Report will be completed.
- c. The Internal Affairs Investigation Report shall include, at a minimum:
 - 1) The name of the accused employee.
 - 2) The name of the complainant.
 - 3) The nature of the allegation.
 - 4) A summary of the incident and investigation.
 - 5) A listing of the findings of the investigation with a conclusion as to whether or not the employee violated Department policy, procedure, rules, or regulations.
 - 6) The Chief of Police will denote in writing the final finding of fact in a formal investigation.
- d. The standard of proof for making a finding of fact shall be a preponderance of the evidence, however, in termination cases, the standard of proof shall be clear and convincing evidence.

5. NOTIFICATION TO COMPLAINANT

- a. When the investigation is complete, the investigator or supervisor conducting the investigation shall notify the complainant of the outcome. This notification shall include the findings of the investigation and the disciplinary action given, if any.
 - 1) For supervisory investigations of minor complaints, such notification may be made verbally.
 - 2) For investigations conducted by Internal Affairs, such notification shall be made in writing.

6. ADMINISTRATIVE LEAVE, RESTRICTED DUTY AND EMERGENCY SUSPENSION

- a. Whenever a preliminary or initial investigation shows that a death or serious bodily injury was the result of the use of force or other actions by an employee or that the employee discharged a firearm (other than a less-lethal projectile weapon) at a person, or when an employee is arrested and charged with a crime, that employee shall be placed on Administrative Leave pending a review of the incident by the Chief of Police and City Manager.
 - 1) The purpose of the review by the Chief of Police and the City Manager is to determine if the employee can or should be brought back to work on full or restricted duty or should remain on administrative leave pending the completion of an administrative

- and/or criminal investigation. The decision is at the discretion of the Chief of Police with the approval of the City Manager.
- 2) If the employee is arrested or is otherwise the subject of a criminal indictment or information, that employee shall be placed on administrative leave without pay pending the results of the internal investigation and/or criminal proceedings.
 - 3) Prior to any employee returning to work after a use of force or other incident resulting in death or serious bodily injury, that employee may, at the discretion of the Chief of Police, be required to have a psychological fitness for duty evaluation to be cleared for returning to duty. If appropriate, the employee shall also be advised of the availability of the Employee Assistance Program.
- b. In the case of other allegations or complaints of inappropriate conduct, an employee may be placed on administrative leave in instances where there is a need for the employee to be excluded from the police station so as to avoid tampering with evidence or witnesses or when doing so is in the best interest of the Department, the City, and/or the employee. This decision shall be at the discretion of the Chief of Police with the approval of the City Manager.
- c. Whenever an employee is placed on administrative leave that employee shall be available between 9:00 AM and 5:00 PM during normal city workdays via his/her home phone and/or cell phone.
- 1) The employee shall make himself/herself available for interviews and other activities as directed during those hours.
 - 2) This section shall not prohibit conducting interviews or other activities outside of those hours and days when such is done for the benefit and with the consent of the employee.
- d. An employee who is the subject of an internal affairs and/or criminal investigation and who is not placed on administrative leave can be placed on restricted duty at the discretion of the Chief of Police.
- 1) The restrictions can include where the employee is assigned and what duties the employee may or may not perform. An employee on restricted duty may be assigned to work in another City Department with the approval of the City Manager and the affected Department head.
 - 2) The restrictions may include limitations on access to all or part of any Police Department or City building or facility.
 - 3) For officers, the restrictions may include a prohibition on carrying a firearm and on wearing a police uniform or any indication of sworn status. If an officer is prohibited from being armed, that officer may only be assigned to duties that do not involve personal public contact in a police context.
 - 4) An employee on restricted duty shall not have his/her pay and benefits reduced as a result of being on restricted duty, nor shall he/she be eligible for out of classification pay. Certain benefits that accrue to an employee solely due to his/her normal assignment, such as shift differential, shall not apply if the employee is not working in that assignment.

- e. Notwithstanding the foregoing sections, all Department supervisors shall have the authority to place an employee on emergency suspension with pay when circumstances require such action.
- 1) Examples of when a supervisor may use emergency suspension include, but are not limited to:
 - An employee who reports to work under the influence of alcohol or drugs.
 - An employee refusing to perform assigned duties.
 - An employee otherwise not able to perform his/her duties.
 - 2) Placing a employee on emergency suspension does not preclude the supervisor from exercising his/her authority to require that the employee submit to alcohol/drug testing based on reasonable suspicion.
 - 3) Whenever a supervisor determines there is a need to place an employee on emergency suspension, the supervisor shall first attempt to contact and notify the Chief of Police via the chain of command.
 - In the event that no one in the chain of command can be contacted, the supervisor may proceed with the emergency suspension.
 - The supervisor shall ensure that a message describing the circumstances is left for the employee's Bureau Major, either via voice mail or email.
 - 4) The supervisor placing the employee on emergency suspension shall document the facts and circumstances on a Department memorandum form, submitting the original to the employee's Bureau Major and providing a copy to the Administrative Operations Bureau Major. The report and copies shall be provided prior to 8:00 AM on the next business day.
 - 5) An employee placed on emergency suspension shall be directed to be available via his/her home phone or cell phone beginning at 9:00 AM on the next business day.
 - 6) The employee's Bureau Major, after reviewing the documentation provided by the supervisor who placed the employee on suspension, shall contact the employee on that day and provide further direction which may include requiring the employee to come in to discuss the incident.
 - 7) The employee's Bureau Major shall be responsible for taking further action as appropriate, which may include, but is not limited to:
 - Assigning a supervisor to investigate the incident.
 - Recommending the employee be placed on administrative leave.
 - Recommending an Internal Affairs investigation.
 - 8) An emergency suspension with pay shall not be considered to be disciplinary action. It is a temporary action taken for the well-being of the employee and/or Department.

7. ADJUDICATION OF INTERNAL AFFAIRS CASES

- a. The Chief of Police or his designee will have the final authority to decide the disposition of alleged misconduct.

- b. The Chief of Police may draw upon the information of command personnel including the internal affairs designee, in determining whether the case falls into one of the following categories:
 - 1) Unfounded complaint.
 - 2) Exonerated (proper conduct).
 - 3) Not Sustained (insufficient evidence).
 - 4) Sustained or Partially Sustained (improper conduct).
 - 5) Policy failure.
 - 6) Other misconduct not based on original complaint.
- c. All final disciplinary actions resulting from the complaint shall be reviewed by the Chief of Police. No opinion and/or recommendations regarding discipline are rendered by the Internal Affairs investigator in the summaries presented to the Chief of Police.
- d. The accused employee will be notified in writing as to the final disposition after determination is made by the Chief of Police.
- e. The person conducting the investigation will ensure that complainants are informed, preferably in writing, regarding the results of the investigation.

APPROVED:

Clinton Shannon
Chief of Police

02/01/2018
Date

From: Todd Grossman tgrossman@pbgfl.com
Subject: IA Investigation
Date: Oct 25, 2019 at 12:11:59 PM
To: NICOLE GUERRIERO Nikoli788@aol.com
Cc: Dominick Pape dpape@pbgfl.com

I can only answer for my role as an internal affairs investigator. No IA was conducted.

Detective Sergeant Todd Grossman
sent from [Outlook for Android](#)

From: NICOLE GUERRIERO <nikoli788@aol.com>
Sent: Friday, October 25, 2019 12:05:18 PM
To: Todd Grossman <tgrossman@pbgfl.com>
Cc: Dominick Pape <dpape@pbgfl.com>
Subject: Re: IA Investigation

[EXTERNAL EMAIL] The following email has originated from outside of PBGFL. Think before you click!

Just to be clear, you had an officer arrested and no internal review of the incident was conducted? To include a supervisory review?

Sent from my iPhone

On Oct 25, 2019, at 8:30 AM, Todd Grossman <tgrossman@pbgfl.com> wrote:

Good morning. I see you resent an email dated the 15th but, for some reason, it is not in my inbox.

There was no Internal Affairs investigation conducted regarding this matter.

EXHIBIT #10 (total 3 pages)

Detective Sergeant Todd Grossman
sent from Outlook for Android

From: NICOLE GUERRIERO <nikoli788@aol.com>

Sent: Thursday, October 24, 2019 4:38:00 PM

To: Todd Grossman <tgrossman@pbgfl.com>; Dominick Pape <dpape@pbgfl.com>

Subject: Fwd: IA Investigation

[EXTERNAL EMAIL] The following email has originated from outside of PBGFL. Think before you click!

Gentlemen,

I sent this email to both of you about a week ago and to date I have not received a response or an acknowledgement of my request. If an IA was not conducted, please advise so I know that there are no documents to fulfill my request. If there was an IA, please advise why I was not given the opportunity to provide a statement as the victim and what violation was investigated and provide the outcome of the investigation.

I look forward to a response.

Thank you.

Nicole Guerriero

Sent from my iPhone

Begin forwarded message:

From: NICOLE GUERRIERO <Nikoli788@aol.com>

Date: October 15, 2019 at 8:43:22 AM EDT

To: Todd Grossman <tgrossman@pbgfl.com>

Subject: IA Investigation

Good Morning Sgt. Grossman,

I was made aware that an IA investigation was conducted on Officer Fedorenchik (Guerriero) regarding her arrest on Stalking charges where I was the victim.

I was curious as to why I was not contacted for an interview and also I would like to know the outcome of the investigation.

Can you please advise the outcome and provide me a copy of the investigation, along with copies of any and all transcribed or recorded statements taken during the course of the investigation.

Thank you.


Nicole Guerriero

Sent from my iPhone

CITY OF PALM BEACH GARDENS E-MAIL DISCLAIMER: PLEASE
NOTE: Florida has a very broad public records law. Most written
communications to or from local officials regarding city business are
public records available to the public and media upon request. Your

Palm Beach Gardens Police Department

INTEROFFICE MEMORANDUM

TO: Ofc. Bethany Guerriero
FROM: Chief Clinton Shannon 
DATE: May 28, 2019
SUBJECT: Return to Full Duty

We have received the attached Dismissal of Temporary Injunction for Protection Cyber Stalking/Stalking signed by Judge Charles Burton and filed on May 21, 2019, and the notice of Nolle Prose signed by Assistant State Attorney Bethany Johnson dated May 24, 2019, which also rescinds the No Contact Order which was in place.

Therefore, you are hereby returned to full duty effective Monday, May 27, 2019.

CS/amm

Attachments

cc: Ron Ferris, City Manager
Stephen J. Stepp, Deputy City Manager
Sheryl Stewart, Human Resources Administrator
Asst. Chief Dominick Pape
Asst. Chief James Stormes
Sgt. Javier Garcia

EXHIBIT #11 (total 5 pages)

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: 50-2019-DR-002547-XXXX-SB

Division: FX: South Branch Family Division - FX (Civil)

FILED
SOUTH COUNTY BRANCH OFFICE

MAY 21 2019

NICOLE GUERRIERO,

Petitioner,

and

✓ BETHANY FEDORENCHIK GUERRIERO,

Respondent.

SHARON R. BOCK
CLERK & COMPTROLLER
PALM BEACH COUNTY

**ORDER OF DISMISSAL OF TEMPORARY INJUNCTION FOR
PROTECTION CYBER STALKING/STALKING (DR - Domestic Violence)**

THIS CAUSE came before the Court on 5/21/19, upon Petitioner's action
for an injunction for protection against domestic violence. Based upon the following circumstances,
the Court dismisses the Petition:

[/ all that apply]

- a. ☐ Petitioner failed to appear at the hearing scheduled in this cause.
- b. ☒ Petitioner appeared at the hearing but desires to voluntarily dismiss the action. *w/ prejudice.*
- c. ☐ The evidence presented is insufficient under Florida law (section 741.30 or 784.046,
Florida Statutes) to allow the Court to issue an injunction for protection against domestic violence.

Accordingly, the case is dismissed without prejudice.

DONE AND ORDERED in PALM BEACH COUNTY, Florida on

May 21, 2019
CIRCUIT JUDGE

IN THE COUNTY COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, CRIMINAL DIVISION
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 2019MM003721AMB DIVISION: "DVTD"

STATE OF FLORIDA

vs.

BETHANY FEDORENCHIK,
W/F, [REDACTED]
_____ /

NOLLE PROSSE FOR:

1) STALKING

Although there was probable cause for arrest and charge of the Defendant, the State has entered a Nolle Prosse in this case.

DAVID ARONBERG
STATE ATTORNEY

/s/



By: BETHANY JOHNSON
Assistant State Attorney
Florida Bar No. 098814
E-Service E-Mail: CCDOVE@SA15.ORG

DATE: May 24, 2019

NELLIE KING ESQ, 319 CLEMATIS STREET, SUITE 107, WEST PALM BEACH, FL 33401

CLERK AND SHERIFF: RESCIND NO CONTACT ORDER

Office of the Chief of Police

SPECIAL ORDER 19-28

REVISED

TO: All Personnel

FROM: Chief Clint Shannon



DATE: May 28, 2019

EMPLOYEE

ACTION

EFFECTIVE DATE

[REDACTED]

Ofc. Bethany Guerriero

Full Duty

05/27/2019

CS/kh

Transfers/Reclasses/Promotions

(continued)

Employee #: 00431

Name: GUERRIERO, BETHANY

Position: 909032-069 POLICE OFFICER

Department: 920 - Police - Field Operations

Effective: 5/27/2019

Transfer type/Reason: Assignment Change

Desc/Comments: Released to Full Duty; charges dropped, and Temporary Injunction dismissed. See documents attached.
Assigned to regular shift (P2B2 0900-2000) and will use uniform and assigned vehicle. PAYROLL: START
UNIFORM ALLOWANCE & CAR DEDUCTION

Original position: 909032-069 POLICE OFFICER

Shift: STANDARD SHIFT

New position: 909032-069 POLICE OFFICER

Shift: STANDARD SHIFT

Data Changes: Field Name

Old Value

New Value

Update Last Inc Date N

Home Department

920


920

Approval routing: Queue: police

Date In	Date Out	Action	Name	Level
5/28/2019 3:57:28PM	5/28/2019 4:00:49PM	Approved	SHANNON, CLINTON	1
5/28/2019 4:00:49PM	5/28/2019 4:10:02PM	Approved	FERREIRA, LAUREN	2
5/28/2019 4:10:02PM	5/28/2019 4:57:22PM	Approved	STEWART, SHERYL	3
5/28/2019 4:57:22PM	5/29/2019 8:34:01AM	Approved	FERRIS, RON	4
5/29/2019 8:34:01AM	5/29/2019 9:25:27AM	Approved	JUDKINS, BROOKE	5
5/29/2019 9:25:27AM	5/31/2019 3:47:59PM	Approved	CORTEZ, YENTL	6

Palm Beach Gardens Police Department

INTEROFFICE MEMORANDUM

TO: Ofc. Bethany Guerriero
FROM: Chief Clinton Shannon 
DATE: August 21, 2019
SUBJECT: Internal Affairs Investigation #19-001

Internal Affairs Investigation #19-001 has now been completed by the investigator with the following findings:

Violation of Policy 4.2.1.1 (Response to Resistance)	Exonerated
Violation of Dept. Rules and Regulations 2.3.12.2 (Conduct)	Sustained

If you wish to present any information which you feel I should take into consideration before making the determination in this case, you may attend the predetermination hearing which has been set for Tuesday, August 27, 2019 at 2 pm in my office.

CS/amm

cc: Asst. Chief Dominick Pape
Asst. Chief Martin Bechtel
Major Eduardo Guillen




COPY

EXHIBIT #12 (total 8 pages)

PALM BEACH GARDENS POLICE DEPARTMENT

INTEROFFICE MEMORANDUM

TO: Police Officer Bethany Guerriero 321
FROM: Major Eduardo Guillen 
DATE: 7/31/2019
SUBJECT: Completion of Internal Affairs Investigation 19-001

The Internal Affairs Investigation numbered 19-001 has been completed as of this date. The allegation regarding the violation of Department Policy 4.2.1.1 (Response to Resistance) you were determined to be Exonerated. The allegation regarding the violation of Department Rules and Regulations 2.3.12.2 (Conduct) was sustained.

If you have any questions or concerns, please feel free to contact me at your convenience.

If you would like a copy or want to review the file, please contact Administrative Operations Coordinator, Kheren Hernandez.

COPY

PALM BEACH GARDENS POLICE DEPARTMENT

INTEROFFICE MEMORANDUM

TO: Police Officer Bethany Guerriero 321
FROM: Sergeant Todd Grossman 
DATE: 7/17/2019
SUBJECT: Investigation Classification 19-001

The above referenced investigation has been completed and the complaint has been classified as follows:

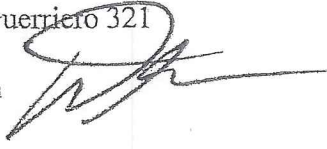
- ☐ Sustained: The allegation was found to be true and the action of the employee was in violation of Department policy, procedure, rules, or regulations.
- ☐ Partially Sustained: The incident had two or more allegations and at least one was sustained.
- ☐ Not Sustained: There is insufficient proof or evidence to either confirm or refute the allegation.
- ☐ Unfounded: The allegation is demonstrably false or there is no credible evidence to support it.
- ☒ Exonerated: The employee did commit the alleged act but the action of the employee was proper and consistent with Department policy, procedure, rules, and regulations.
- ☐ Misconduct Not Based on Original Complaint: As a result of the investigation, the employee was found to have engaged in substantiated misconduct not related to the original complaint.
- ☐ Policy Failure: The action of the employee may have been improper, but was not covered by Department policy, procedure, rules, or regulations.

Applicable Policy: Response to Resistance 4.2.1.1.

PALM BEACH GARDENS POLICE DEPARTMENT

INTEROFFICE MEMORANDUM

TO: Police Officer Bethany Guerriero 321

FROM: Sergeant Todd Grossman 

DATE: 7/17/2019

SUBJECT: Investigation Classification 19-001

The above referenced investigation has been completed and the complaint has been classified as follows:

(X) Sustained: The allegation was found to be true and the action of the employee was in violation of Department policy, procedure, rules, or regulations.

() Partially Sustained: The incident had two or more allegations and at least one was sustained.

() Not Sustained: There is insufficient proof or evidence to either confirm or refute the allegation.

() Unfounded: The allegation is demonstrably false or there is no credible evidence to support it.

() Exonerated: The employee did commit the alleged, act but the action of the employee was proper and consistent with Department policy, procedure, rules, and regulations.

() Misconduct Not Based on Original Complaint: As a result of the investigation, the employee was found to have engaged in substantiated misconduct not related to the original complaint.

() Policy Failure: The action of the employee may have been improper, but was not covered by Department policy, procedure, rules, or regulations.

Applicable Policy: Conduct, 2.3.12.2.

9/24/2019

PALM BEACH GARDENS POLICE DEPARTMENT

INTERNAL AFFAIRS INVESTIGATION

FINAL ACTION SUMMARY

SUBJECT EMPLOYEE: Bethany Guerriero

INVESTIGATION NUMBER: 19-001

DATE: September 17, 2019

INVESTIGATOR: Sergeant Todd Grossman



I. Allegations and/or Policy Violations:

- 1: 4.2.1.1 Response to Resistance
- 2: 2.3.12.2 Conduct

II. Summary of Investigation:

A Response to Resistance was completed by Sergeant Buntin subsequent to an investigation conducted by Officer Guerriero on March 6, 2019 under case number 19001425. As part of the supervisory review, questions were raised regarding the officer's demeanor and overall interaction with the subject.

On March 25th, 2019, Chief C. Shannon requested the Investigations Bureau initiate an internal affairs investigation, which was ultimately assigned to me and given IA number 19-001.

My investigation determined that Officer Guerriero responded to a store within the Gardens Mall regarding an unwanted individual. When she arrived, Officer Guerriero was met by the subject in question noted he appeared to be intoxicated. He was argumentative and confrontational and was led outside the mall where his behavior would not draw attention.

Officer Guerriero and the individual engaged in an instigative verbal exchange, during which Officer Guerriero used profanity to address the subject. Ultimately, he failed to comply with repeated instructions by Officers Guerriero and Eriksson to remain seated and attempted to physically overcome the officer(s) in order to leave the scene.

Both officers had attempted to gain physical control of the individual but were unsuccessful. Officer Guerriero deployed her issued Taser before the two officers were able to secure the subject in handcuffs. He was charged with Battery on a Law Enforcement Officer and Resisting Arrest with Violence.

Officer Guerriero's response to resistance was reviewed and deemed to be appropriate and within the parameters of Policy 4.2.1.1. However, it was determined that her demeanor and verbal response to the subject's belligerence were inappropriate and in violation of Rules and Regulations 2.3.12.2.

III. Classification:

- 1: Exonerated regarding Policy 4.2.1.1, Response to Resistance
- 2: Sustained regarding Department Rules and Regulations 2.3.12.2, Conduct

IV. Final Action:

Officer Guerriero was issued a written reprimand.

Cham
09-20-19

**PALM BEACH GARDENS POLICE DEPARTMENT
DISCIPLINARY ACTION FORM**

Employee Name: Officer Bethany Guerriero

ID#: 321

Violation(s):

Rules and Regulations 2.3.12.2; Conduct, which states: Members shall present themselves in a professional manner which is courteous, considerate, civil and respectful. Members must remain fair, firm, consistent, impartial and non-prejudicial in the performance of their duties and should avoid conduct which would discredit or embarrass the Department.

Summary: (attach additional sheets as needed)

Officer Guerriero responded the Palm Beach Gardens Mall on 6 March 2019 to investigate a call for service regarding a male making verbal threats at the Nail Bar (PBGPD case 19-001425). Palm Beach Gardens Internal Affairs investigation 19-001, conducted by Sergeant Todd Grossman, found that Officer Guerriero violated Department Rules and Regulations when she displayed an instigative behavior towards the subject. Officer Guerriero responded to Mr. Bourque using inappropriate language on two separate occasions during their encounter.

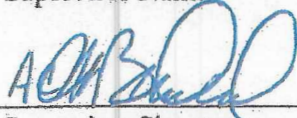
Officer Guerriero found it necessary to utilize her ECW (Taser) to take Bourque into custody as he was ultimately arrested for two counts of resisting arrest with violence and two counts of battery on a law enforcement officer.

Recommendation:

Officer Guerriero is a seasoned veteran officer who is looked upon by her fellow officers for guidance and mentoring. Officer Guerriero should reacquaint herself with the Department's core values of Respect, Accountability and Professionalism. I recommend Officer Guerriero receive a Formal Written Reprimand for violation of Palm Beach Gardens Police Department Rules and Regulations 2.3.12.2, Conduct.

Assistant Chief M.K. Bechtel

Supervisor Name:



Supervisor Signature


472

Supervisor ID#

3 SEPT 2019

Date

PLEASE FORWARD THROUGH THE APPROPRIATE CHAIN OF COMMAND:

<input type="checkbox"/> Concur	<input type="checkbox"/> Do Not Concur	Comments:
Signature _____		
Print Name and Title _____		Date _____
<input type="checkbox"/> Concur	<input type="checkbox"/> Do Not Concur	Comments:
Signature _____		
Print Name and Title _____		Date _____
<input type="checkbox"/> Concur	<input type="checkbox"/> Do Not Concur	Comments:
Signature _____		
Print Name and Title _____		Date _____
<input checked="" type="checkbox"/> Concur	<input type="checkbox"/> Do Not Concur	Comments:
Signature  _____		
C. SHANNON, CHIEF OF POLICE Print Name and Title		09-03-19 Date

Received by employee:

 #321
Employee Signature:

09/03/19
Date